ORDER RECEIVED/FOR FILING

IN RE: PETITION FOR ADMIN. VARIANCE

N/S Breezy Point Court, 1250'S

of Holly Neck Road

(2899 Breezy Point Court) 15th Election District 5th Councilmanic District

Nicholas A. Foehrkolb, et al

Petitioners

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 97-194-A

\*

\* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 2899 Breezy Point Court, located in the vicinity of Holly Neck Road on Hawks Cove. The Petition was filed by the owners of the property, Nicholas A. and Nicholas J. Foehrkolb. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (proposed 30' x 30' garage) to be located in the front yard in lieu of the required rear yard. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property has been duly posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

After due consideration of the information submitted, it appears that the relief requested should be granted. In the opinion of this Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, the relief requested sufficiently complies with the requirements of Sections 307.2 and 500.14 of the Baltimore County

Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;



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Date

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39

2) Conserve fish, wildlife, and plant habitat; and

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25 day of November, 1996 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (proposed 30' x 30' garage) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The proposed garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

Marin Walley

3) There shall be no automotive service work performed within or commercial use of the proposed garage.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated November 13, 1996, attached hereto and made a part hereof.

IMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

Maria Samo

# BALTIMORE COUNTY, MARYLAND

# DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

#### INTER-OFFICE CORRESPONDENCE

TO:

Mr. Arnold Jablon, Director

November 13, 1996

Zoning Administration and Development Management

FROM:

R. Bruce Seeley RBS/4P

DEPRM

SUBJECT:

Zoning Item #194 - Foehrkolb Property

2899 Breezy Point Court

Zoning Advisory Committee Meeting of November 4, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

RBS:SA:sp

FOEHRKOL/DEPRM/TXTSBP





Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

November 25, 1996

Mr. Nicholas A. Foehrkolb 2899 Breezy Point Court Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Breezy Point Court, 1250'S of Holly Neck Road
(2899 Breezy Point Court)
15th Election District - 5th Councilmanic District
Nicholas A. Foehrkolb, et al - Petitioners
Case No. 97-194-A

Dear Mr. Foehrkolb:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

buthy 16 trow

for Baltimore County

TMK:bjs

cc: Chesapeake Bay Critical Areas Commission 45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM

People's Counsel

case File



# Petition for Administrative Variance

97-194-A

# to the Zoning Commissioner of Baltimore County

for the property located at

BREEZY PT. CJ.
which is presently zoned RC 20

CRITICAL

This Petition shall be flied with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 (BCZR)

To allow a storage building in the front yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

I'm GOIND TO USE THIS BUILDING TO STORE URRIOUS TROUS USED

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filling of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition							
Contract Purchaser/Lessee			Legal Owner(s).							
(Type or Print Name)		<del></del>	Type or Print Name)  Michael Streeth Coll							
Signature			Signature Street Soll -							
Address		····	(Type or Print Name)							
City Attorney for Petitioner	State	Zipçod <b>e</b>	Wehola Jachskall							
(Type or Print Name)		<del></del>	2899 BREEZY PT. CT. 574 3/9							
Signature			City State Zipcode Name, Address and phone number of representative to be contacted							
Address	Phone No	***********	Name							
City	State	Zipcode	Address Phone No							

A Public Hearing having been requested and/or found to be required. It is ordered by the Loning Commissioner of Baltimore County, this \_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Loning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

REVIEWED BY: K. T. DATE: 10-25-96

ESTIMATED POSTING DATE: 11 - 3-9CP

Printed with Soybean Ink on Recycled Paper

ITEM #: 194

# Affidavit in support of Administrative Variance The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

ation herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to

at the Affia	nt(s) does	/do presently t	eside at _	2899 address	BR	EELY	17.	<i>LT</i> .	
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# **EXAMPLE 3 -- Zoning Description**



97-194-A

3 COPIES

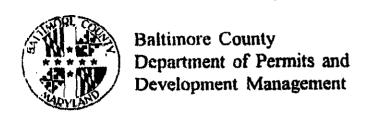
Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 2899 BREELY PT. CT. (address)
Beginning at a point on the NORTH side of (north, south, east or west)
name of street on which property fronts) which is 40 / (number of feet of right-of-way width)
wide at the distance of to 1250± South of the (number of feet) (north, south, east or west) PHILLIPS RD centerline of the nearest improved intersecting street the second part of the second price and second part of the seco
centerline of the nearest improved intersecting street
which is
Block,Section # in the subdivision of
as recorded in Baltimore County Plat Book #, Folio #,
containing 2:0 Also known as 2849 SEECY FT. ST. (property address)
and located in the 15 Election District, 19 Councilmanic District.

"If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_\_, Folio \_\_\_" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E 321 1 ft., S 18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

TEM# 194



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

## ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

#### PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
r newspaper advertising:
em No.: 194 Petitioner: NICHOLAS FOEHRKOLB
ocation: 2899 BREEZY PT. CT.
LEASE FORWARD ADVERTISING BILL TO:
MR: NICHOLAS FOEHRKOLB
DDRESS: Z849 BREEZY PT. CT
BALTO. MD. 21221
HONE NUMBER: 686-4034

# CERTIFICATE OPPOSTING

	RE: Case No.: 97-199 H
	Petitioner/Developer:
	NICKELAS A. FOEHRHOLD
	Date of Hearing/Closing: Nov 18, 1996
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	•
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
were posted conspicuously on the proper	ty located at 2899 BRECZY Point  MARYLAND 21221
The sign(s) were posted on	Nov 2, 1986 (Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster and Date)
ZONING POINT VARIANCE	(Printed Name)  325 Nicholson Rand  (Address)  (Baltimore, margiand 2/22/  (City, State, Zip Code)  (410) 687-8405
	(Telephone Number)

97.194-1

Request for Zoning: Administrative Variance

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE	
ADMINISTRATIVE VARIANCE	

Case No. 97-194A

To allow a storage bldg. To be located in the front yard in hew of the require rear yard.

### **PUBLIC HEARING?**

PURSUANT TO SECTION 26-127(b) (1), <u>BALTIMORE COUNTY CODE</u>, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

NOV. 18, 1996

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

October 31, 1996

#### ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-194-A (Item 194)
2899 Breezy Point Court

N/S Breezy Point Court, 1250'+/- S of c/l Philadelphia Road
15th Election District - 5th Councilmanic
Legal Owner(s): Nicholas A. Foehrkolb and Nicholas J. Foehrkolb
Post by Date: 11/03/96
Closing Date: 11/18/96

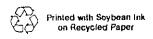
Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

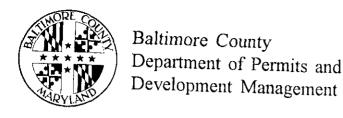
- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

THE PROCESS IS NOT PLEASE UNDERSTAND THAT ON CLOSING DATE, ARE THROUGH FINAL REVIEW. ORDERS COMPLETE. THE FILE MUST GO FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon Director

cc: Nicholas A. Foehrkolb, et al





Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

November 19, 1996

Mr. Nicholas A. Foehrkolb 2899 Breezy Point Court Baltimore, MD 21221

> RE: Item No.: 194

> > Case No.: 97-194-A

Petitioner: Nicholas A. Foehrkolb

Dear Mr. Foehrkolb:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 25, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

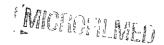
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

il. Cont Richardy W. Carl Richards, Jr.

Zoning Supervisor

WCR/re Attachment(s)

Printed with Soybean Ink on Recycled Paper



#### BALTIMORE COUNTY, MARYLAND

#### THTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: November 14, 1996

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for November 12, 1996

Item No. 194

The Development Plans Review Division has reviewed the subject zoning item. The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

RWB:HJO:jrb

cc: File

ZONE36E

#### BALTIMORE COUNTY, MARYLAND

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

#### INTER-OFFICE CORRESPONDENCE

T0:

Mr. Arnold Jablon, Director Zoning Administration and

November 13, 1996

Development Management

FROM:

R. Bruce Seeley RBS/4P

DEPRM

SUBJECT:

Zoning Item #194 - Foehrkolb Property

2899 Breezy Point Court

Zoning Advisory Committee Meeting of November 4, 1996

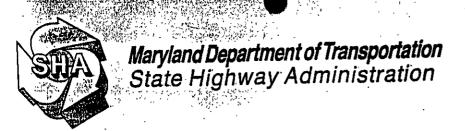
The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

RBS:SA:sp

FOEHRKOL/DEPRM/TXTSBP

The MED



Secretary ( ) Parker F. Williams Administrator:

Ms. Roslyn Eubanks Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Baltimore County RE: Item No.

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

P.J. Bradh. for Ronald Burns, Chief Engineering Access Permits Division

BS/es

My telephone number is .

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Permits and Development

Management

FROM:

Pat Keller, Director

Office of Planning

SUBJECT:

Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Can Cens

Item Nos. 177, 183, 184, 186, 189, 190, 191, 192, 194, and 195

DATE: November 4, 1996

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

PK/JL

#### Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

DATE: 11/14/96

Armold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF NOV. 04, 1996.

Item No.: SEE BELOW Zoning Agenda:

#### Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

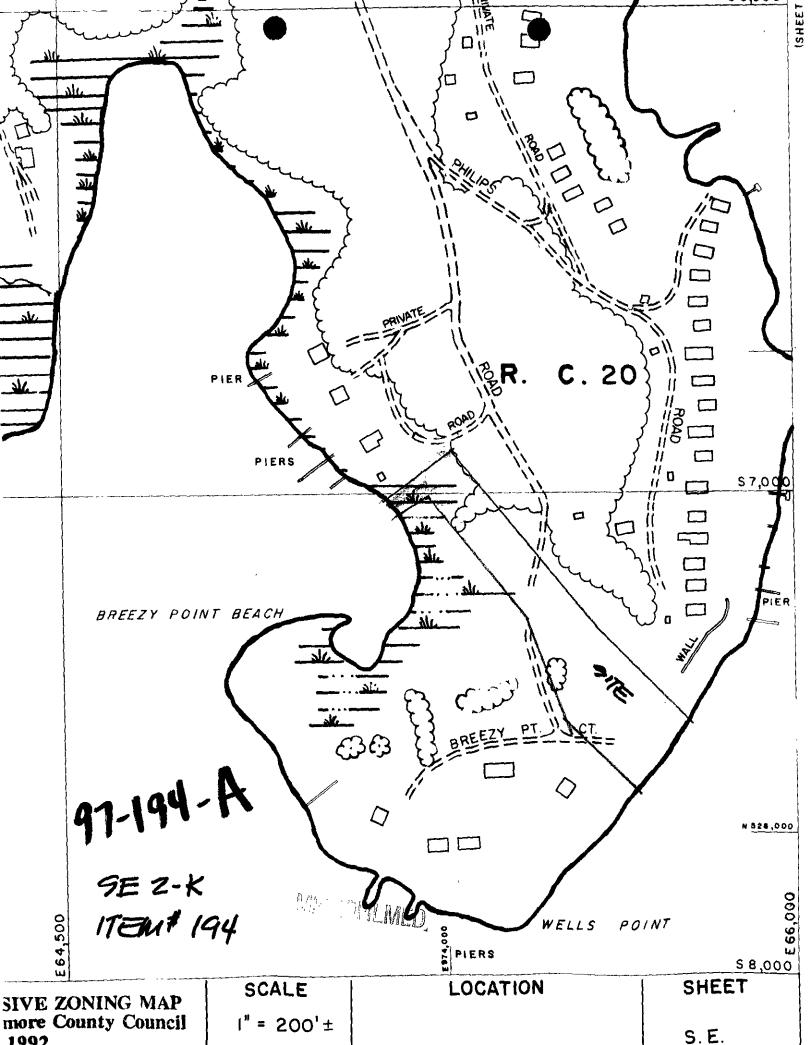
8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 183, 184, 186, 189, 190, 191,

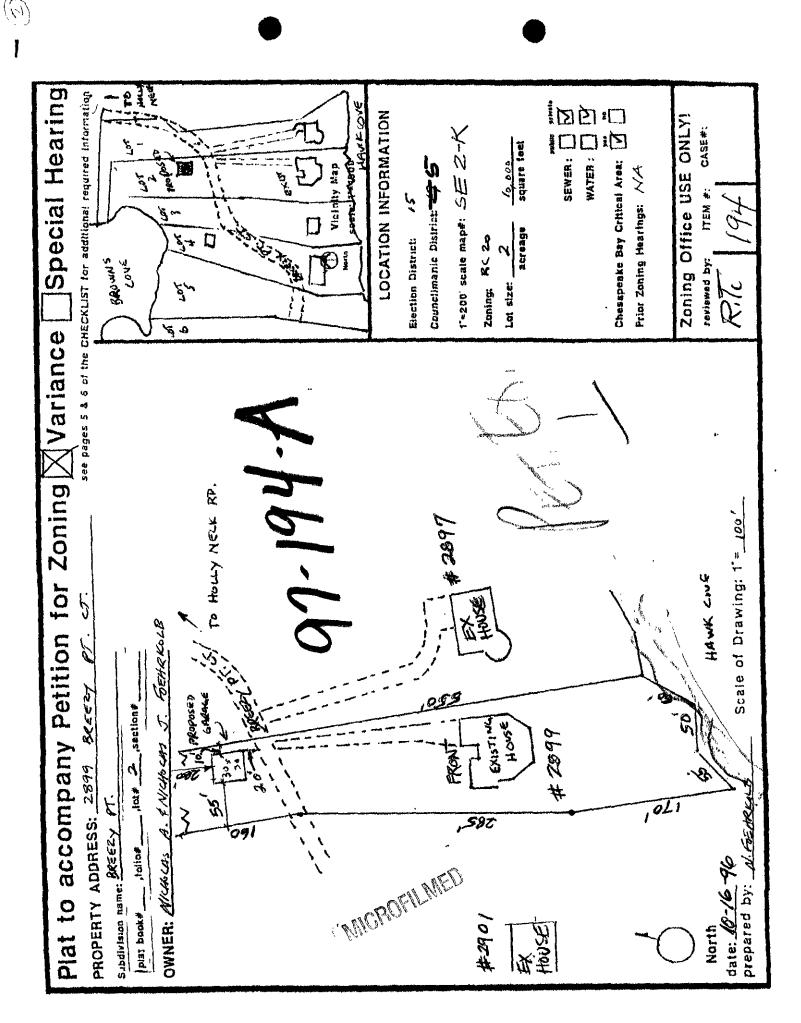
REVIEWER: LT. ROBERT P. SAUERWALD

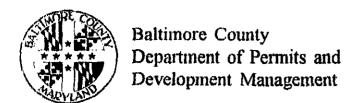
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File









Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

#### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

	ARNOLD	JABLON,	DIRECTOR
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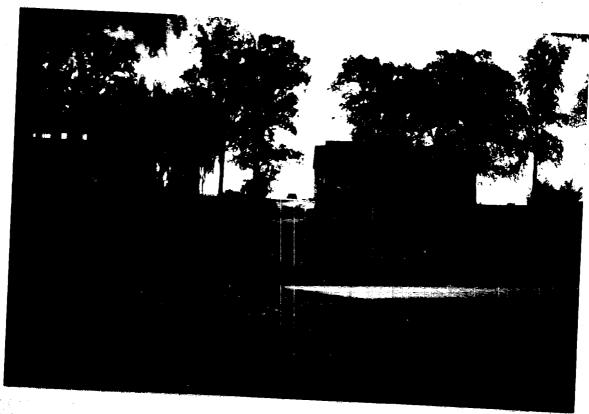
# DEPARTMENT OF PERMITS AND LICENSES

BRANCH OFFICE DAILY RECORD



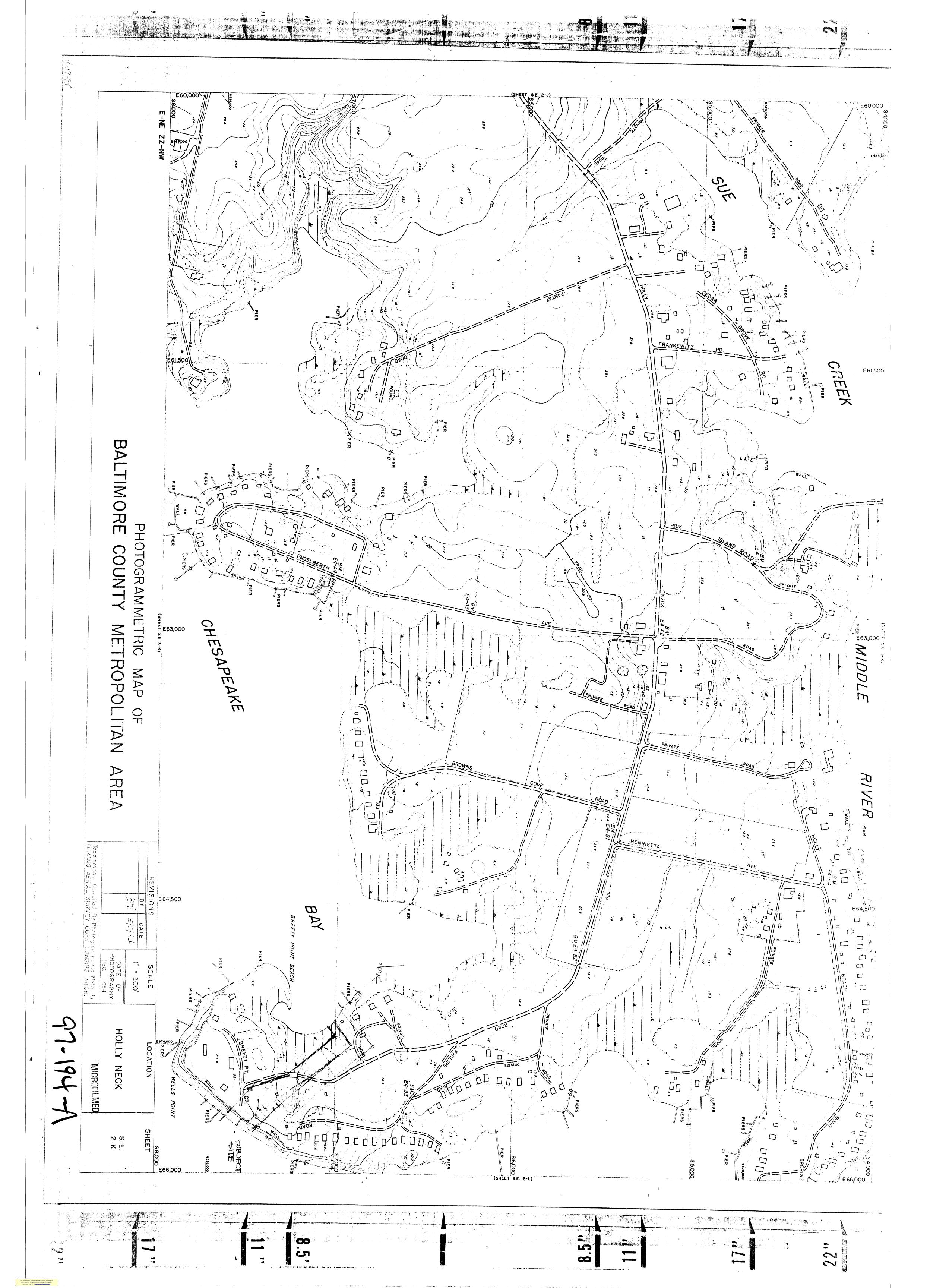
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												MISCELLANEOUS

# 97-194-A





MICROFILMED



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC. MARTINSBURG, W.V. 25401

